

69 *Statement of Carload Shipments of Lumber Made by the Kirby Lumber Company from Mills on the G. C. & S. F. Railway Company in Texas and Percentages Showing Proportion Destined Santa Fe System Points and Points Beyond.*

From January 1st, 1910, to Nov. 30th, 1910, Inclusive.

From—	To Santa Fe points.		Beyond Santa Fe.	
	Cars.	%.	Cars.	%.
Beaumont .....	3	100	0	0
Silsbee .....	435	36	771	64
Call Jct. ....	732	35	1,355	65
Roganville .....	231	35	432	65
Fuqua .....	286	33	578	67
Bronson .....	229	34	451	66
Bessmay .....	851	32	1,838	68
Browndel .....	31	42	42	58
Kirbyville .....	773	37	1,329	63
Evadale .....	250	33	516	67
Totals .....	3,821	34	7,312	66

Interstate Commerce Commission. Docket No. 11, I. & S. Exhibit No. 3. Witness, Kirby. Complainants, ———. Defendants, ———. Date, 1-30-11. Steno., Philips.

See p. 6560.

70

## Commercial lumber originating on—

	Santa Fe.	Other lines.	Total.	R. R. material sold f. o. b. mill.	Total ship- ments.
1904.....	12,950 Cars	4,501 Cars	17,451 Cars	2,094 Cars	19,545 Cars
1905.....	13,960 "	3,662 "	17,622 "	2,891 "	20,513 "
1906.....	11,040 "	5,011 "	16,051 "	5,182 "	21,233 "
1907.....	11,110 "	2,815 "	13,925 "	3,685 "	17,610 "
1908.....	7,722 "	1,642 "	9,364 "	553 "	9,917 "
1909.....	11,725 "	1,476 "	13,201 "	2,606 "	15,807 "
1910 to.....	11,133 "	697 "	11,830 "	2,523 "	14,353 "
11/30.....	79,640 Cars	19,804 Cars	99,444 Cars	19,534 "	118,978 Cars

\* Freight charges paid on above..... \$8,896,306.79  
Average per car..... 89.46

Freight charges paid by Kirby Lumber Company, January 1st, 1904, to Nov. 30th, 1910, on Commercial (only) lumber.

All railroad material and a small per cent of commercial lumber sold F. O. B. Mills, but not taken into account of total charges paid, nor average per car. If taken into account, would increase considerably the average freight charges per car paid carriers.

## Hewn Ties and Piling, shipments from Jan'y 1st, 1904, to November 30th, 1910:

Hewn Ties .....	872,942 Tons
Piling .....	214,540 "
Total.....	1,087,482 Tons

Interstate Commerce Commission. Docket No. 11, I. & S. Exhibit No. 4. Witness, Kirby. Complainants, \_\_\_\_\_ Defendants, \_\_\_\_\_, Date, 1-30-11. Steno., Philips.

71 THE STATE OF TEXAS,  
County of Harris:

Know all men by these Presents: That Kirby Lumber Company, a corporation duly incorporated under and by virtue of the laws of the State of Texas, having its domicile and principal place of business in the County of Harris, State of Texas, for and in consideration of the sum of One Million, nine hundred and eighty thousand, three hundred and forty-eight and 26/100 Dollars (\$1,980,348.26) in cash to it in hand this day paid by J. R. Chapman, the receipt of which is duly acknowledged, has Granted, sold and conveyed, and by these presents does Grant, Bargain, Sell and convey unto the said J. R. Chapman, of the County of Cook, State of Illinois, the several tracts or parcels of land and also the timber and timber rights hereinafter described lying and being situated in the Counties of Angelina, Hardin, Jasper, Jefferson, Liberty, Newton, Polk, Sabine, San Augustine, Shelby, Tyler and Montgomery, State of Texas, to-wit:

Angelina County.

825 acres out of Johnson Palmer League.  
640 acres, the H. T. & B. Ry. Co. Sec. No. 33.  
640 acres, the H. T. & B. Ry. Co. Sec. No. 35.  
640 acres, the H. T. & B. Ry. Co. Sec. No. 37.  
640 acres, the H. T. & B. Ry. Co. Sec. No. 39.  
640 acres, the H. T. & B. Ry. Co. Sec. No. 36.

Hardin County.

1107 acres out of N. W. part of Joseph Carriere League.  
All timber on N. E. Quarter of Joseph Carriere League.  
105 acres, out of S. K. Van Meter League.  
South 2/3 of William Kirk survey.  
1000 acres out of Elijah Hunter League, covering Sillsbee Town-site, less Right-of-way of G., C. & S. F. Ry. Co.  
All timber on 885 acres, 665 acres and 714 acres out of R. A. Irion League.

Jasper County.

1280 acres, the James Agnew Survey.  
300 acres out of Thomas B. Huling survey.  
76 12/100 acres undivided out of 870 acres out of Stephen H. Everett Leg.  
440 acres, out of 480 acres of Nathan Bonton survey.  
71 acres undivided out of Elizabeth Davis survey.  
32 acres undivided out of Jerome Davis survey.  
64 acres undivided out of Enoch Grigsby survey.  
166 acres undivided out of John James survey.  
100 acres and 118 acres out of S. S. Lewis survey.  
72 An undivided one half of 511 acres and 274 acres out of J. T. Lewis survey.  
An undivided one fifth of 100 acres out of George W. Leonard survey.

176 acres out of M. B. Lewis survey.  
 An undivided  $\frac{1}{5}$  of 160 acres, the Daniel Morgan Survey.  
 80 acres, being north half of William L. Magel survey.  
 215 $\frac{1}{2}$  acres out of John Singleton survey.  
 All timber on W. A. Isaac 160 acre survey.  
 Undivided  $\frac{1}{2}$  of Penelope Morgan 160 acre survey.  
 37 acres out of N. M. Hart survey.  
 17 $\frac{1}{2}$  acres out of N. M. Hart survey.  
 North  $\frac{1}{2}$  and South East Quarter of Alfred Poole 138  $\frac{7}{10}$  acres survey.  
 80 acres off of north end of Parish Smith 160 acre survey.  
 103  $\frac{1}{3}$  acres out of William Seybold Labor.  
 103  $\frac{1}{3}$  acres out of T. & N. O. Ry. Co. Sec. No. 50.  
 All timber on South half of Elmira Wright 145 acre survey.  
 640 acres, the H. & T. C. Ry. Co. Sec. No. 76.  
 50  $\frac{55}{100}$  acres, 45  $\frac{69}{100}$  acres and 223  $\frac{75}{100}$  acres and 240 acres out of H. & T. C. Ry. Co. Sec. No. 66.  
 640 acres, the H. & T. C. Ry. Co. Sec. No. 250.  
 640 acres, the H. & T. C. Ry. Co. Sec. No. 254.  
 2658 acres, The Hezekiah R. Williams survey except that tract con- by L. W. Ludlow to John H. Kirby.  
 All pine timber 8 inches in dia. and upwards at the stump on an undivided 80 acres out of the Prince Dearmon 10 $\frac{1}{2}$  acre survey.

#### Jefferson County.

107 acres more or less out of William H. Hodges Survey.

#### Liberty County.

All timber on 803 acres out of V. E. Dishal survey.  
 367 $\frac{1}{2}$  acres the J. V. Tackaberry survey.  
 1862.7 acres more or less out of A. B. Razelle survey.  
 303  $\frac{54}{100}$  acres out of Daniel Danaho League.  
 All timber on 2200 acres out of Maurice Smith League and 1030 acres out of same survey.  
 All timber on F. H. Valaio 117  $\frac{1}{5}$  acre survey.  
 All timber on F. H. Valow 565 $\frac{1}{2}$  acre survey.  
 All timber on M. E. Pulids League.  
 All timber on 2139 acres Margant Kennedy survey.  
 2214 acres, east  $\frac{1}{2}$  of Hugh Means League.  
 All timber on Colib Barker 1476 acre survey.  
 All timber on B. B. B. & Co. Ry. Co. Patent No. 491.  
 All timber on H. T. & B. Ry. Co., Sec. No. 16 being 640 acres.  
 All timber on 440 acres out of John Simmon's 640 acre survey.  
 All timber on Charles Smith 640 acre survey.  
 All merchantable pine timber on W. S. Keaghay survey of 1476 acres.  
 All timber on H. & T. C. Ry. Co. Sec. No. 152.  
 All timber on H. & T. C. Ry. Co. Sec. No. 154.  
 All timber on H. & T. C. Ry. Co. Sec. No. 156.  
 All timber on 1106  $\frac{1}{10}$  out of South  $\frac{1}{2}$  of John Pleasants League.

1000 acres out of John Pleasants League.

1214 acres out of North  $\frac{1}{2}$  of John Pleasants League.

All timber on 160 acres out of John Pleasants League.

All timber on  $\frac{5}{6}$  interest out of 200 acres out of Stephen Nicholson League.

213 acres of Stephen Nicholson League.

All timber on two tracts of land, 462 acres and 200 acres out of Hugh Mean's League.

73 N. W. quarter of Hugh Means League.

#### Newton County.

1107 acres out of — containing (1/3) of the League patented to William J. Sneed, assignee of Charles McKim.

147  $\frac{9}{10}$  acres out of H. & T. C. Ry. Co. Sec. No. 11.

100 acres out of Friend McMahan 160 acre survey.

300 acres out of Taylor Thomason 320 acre survey.

640 Acres T. & N. O. Ry. Co. Sec. No. 7.

640 acres T. & N. O. Ry. Co. Sec. No. 5.

480 acres T. & N. O. Ry. Co. Sec. No. 3.

640 acres T. & N. O. Ry. Co. Sec. No. 1.

640 Acres T. & N. O. Ry. Co. Sec. No. 15.

320 acres T. & N. O. Ry. Sec. No. 11.

565 acres T. & N. O. Ry. Sec. No. 9.

640 acres T. & N. O. Ry. Sec. No. 7 brs. 14 acres belonging to Jasper & Eastern Ry. Co.

334 acres T. & N. O. Ry. Co. Sec. No. 5, brs. right-of-way of Jasper and Eastern Ry. Co.

615 acres T. & N. O. Ry. Co. Sec. No. 3.

526 acres T. & N. O. Ry. Co. Sec. No. 1 except right-of-way of Jasper & Eastern Ry. Co.

640 acres T. & N. O. Ry. Co. Sec. No. 9.

60 acres out of J. W. Whitman 160 acre survey.

49 acres out of A. S. Lewis 160 acre pre-emption.

191  $\frac{69}{100}$  acres out of H. & T. C. Ry. Co. Sec. No. 12.

640 acres T. & N. O. Ry. Co. Sec. No. 6.

640 acres T. & N. O. Ry. Co. Sec. No. 8.

334 acres T. & N. O. Ry. Co. Sec. No. 6.

592 acres T. & N. O. Ry. Co. Sec. No. 4.

640 acres T. & N. O. Ry. Co. Sec. No. 6.

640 acres T. & N. O. Ry. Co. Sec. No. 8.

10 acres Alvia Jones Survey.

738 acres out of Pleasant Davis  $\frac{1}{3}$  League.

542 acres T. & N. O. Ry. Co. Sec. No. 44.

1753 acres out of Henry Cachran League.

West  $\frac{1}{2}$  of 1476 acres of James McMahon survey.

600 acres out of Nancy Myers 640 acre survey.

#### Polk County.

860 acres out of James B. Word survey.

All timber I. & G. N. Ry. Co. Survey No. 41.

All timber on I. & G. N. Ry. Co. Survey No. 56.

## Sabine County.

300 acres out of E. A. C. Johnson League.  
 103 acres out of Henry Nichols League.  
 100 acres out of T. C. Ry. Co. Sec. No. 1.  
 600 acres out of John S. Lane League.

## San Augustine County.

278½ acres out Chichister Chaplin survey.  
 Undivided 100 acres out of 264 4/7 acres out of Noel G. Roberts League.  
 Undivided 200 acres out of 800 acres of Edmind Quirk survey.  
 723½ acres out of Major Smith League.  
 74 Undivided 1262 5/10 acres out of those 3 sections and  
 being H. T. & B. R. R. Secs. Nos. 1, 3 and 5.  
 640 acres H. T. & B. R. R. Sec. No. 8.  
 Undivided 138 acres out of Block No. 7 out of S. D. McMahon League.

## Shelby County.

1005 5/10 acres out of Jonathon Bittick Survey.  
 Undivided 284 acres out of 568½ acres out of George W. Cattle Sur.  
 57 acres out of Alford Conway Survey.  
 167 acres the George W. Cattle survey.  
 160 acres, the A. E. Dean survey.  
 160 acres, the J. A. Donly survey.  
 160 acres out of Hiram Eddy survey.  
 57 acres, the James A. Hinton survey.  
 230 acres out of Nealy Jimbro League.  
 100 acres out of Nealy Kimbro League.  
 320 acres R. O. Lusk survey.  
 115 acres out of John Merchant survey.  
 4195½ acres out of Rusk County School land.  
 172 out of Samuel Todd survey.  
 79½ acres out of Z. C. Walker survey.  
 87 3/10 acres out of Z. C. Walker survey.  
 300 acres out of Z. C. Walker survey.  
 Undivided 133½ acres out of J. L. Forsythe 160 acre survey.  
 Undivided 250 acres out of 421 acres out of M. M. Vann survey.  
 137 5/10 acres out of the Fannie Bunn 155 acre survey.  
 160 acres, the Wilson Clemons survey.  
 640 acres, Georgetown Railroad Co. survey No. 1.  
 Undivided 640 acres out of Fredrick A. Sherman survey.  
 160 acres, the J. Y. Whatly survey.  
 80 acres out of P. W. Wilkerson 160 acre survey.  
 514 4/10 acres, the C. M. Hill survey.  
 160 acres, the Henry Bombhill survey.  
 160 acres, the W. H. Owens survey.  
 160 acres less 6¾ acres, the Berry Tamplin survey.  
 640 acres, the W. M. Perry survey.  
 112 acres out of Edward Passmore survey.

160 acres, Peter Wankin survey.  
 90 acres out of B. F. Martin survey.  
 Undivided 109 12/100 acres out of C. M. Hill 218 1/4 acre survey.  
 173 1/3 acres, the C. M. Hill survey.  
 100 acres out of M. A. Alford 160 acre survey.  
 160 acres, the Nelson Etheridge survey.  
 1244 acres, the Lyda Alcom survey.  
 Undivided 143 acres out of F. W. Parker 160 acre survey.

### Tyler County.

Undivided 200 acres out of the two tracts containing 211 acres respectively out of James Mitchell survey.

1024 1/2 acres being two tracts out of the James Blount League.

All timber on 100 acres out of William Campbell League.

Undivided 1310 acres out of William Pamphlin 20 1/2 Labor.

All timber on undivided 32 acres out of G. M. Buckhanan 160 acre survey.

160 acres, the L. D. Ballard survey.

75 All timber on the 200 acre, E. S. Pitts, assignee of B. B. B. & C. Ry. Co.

All timber on 160 acres, the William Chambers survey.

160 acres, the R. J. Commander survey.

47 1/3 acres, out of Benjamine Enloe 320 acres survey.

Undivided 853 1/3 acres out of those 3 certain tracts of land as follows: 640 acres E. T. T. T. Co. Sec. No. 1, 640 acres E. T. R. R. Co. Survey, No. 3 and 640 acre E. T. R. R. Co. Sec. No. 5.

All timber on 40 acres of Jessie Fulgham survey.

All merchantable pine timber on William Harris 320 acre survey.

All timber on 81 acres out of E. L. Jennings 160 acre survey.

All timber on 114 3/4 acres out of Fountain Lister survey.

All merchantable pine timber on 171 3/4 acres, the E. T. Nolen survey.

110 acres, the William Seamons survey.

6,300,813 sq. varas, the Fredrick Hellmiller survey.

640 acres, the Galveston & Brazos Navigation Co. Sec. No. 39 less 15 acres being right-of-way of T. & N. O. Ry. Co.

1220 1/2 acres out of Emily Smythe survey of 1250 acres.

1280 acres, the John Wheat survey.

160 acres, the John Greenwood survey.

62 acres, the L. G. Shannan survey.

640 acres, the E. T. Ry. Co. Sec. No. 4.

All timber on 520 acres out of Galveston Brazos Navigation Co. Survey Sec. No. 35.

97 3/4 acres out of Mary Chate 237 acre survey.

593 46/100 acres out of Galveston Brazos Navigation Co. Sec. No. 40.

2153 acres undivided, out of Burrell Blackman League.

### Montgomery County.

1779 acres, out of Elijah Votaw survey.

Reference is hereby made to all the deeds, patents and judgments

herein above particularly enumerated and to all the records thereof as above stated for particular descriptions of the lands and timber above conveyed, and it is understood that all of said deeds, patents and judgments mentioned in the preceding descriptions and the records thereof shall be considered referred to for particular descriptions as fully as if special reference had been made to each one.

In every instance where timber as timber rights are conveyed, exclusive of the land upon which such timber is located, it is understood that the grantee above named accepts the title to said timber and timber rights, subject to the terms, conditions and limitations under which such title is held by the Grantor herein.

To have and to hold the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said J. R. Chapman, his heirs or assigns forever.

And said Kirby Lumber Company does hereby bind itself and its successors to warrant and forever defend all and singular, the said premises unto the said J. R. Chapman, his heirs or assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

In witness whereof said Kirby Lumber Company has executed these presents by its President, acting under oath only of resolutions of its stockholders and directors and its Secretary acting under such authority has hereto affixed its corporate seal upon this the 2nd day of July, A. D. 1909.

KIRBY LUMBER COMPANY,

By JNO. H. KIRBY, *Its President.*

Attest:

[L. s.] W. N. SHAW,

*Secretary of Kirby Lumber Company.*

76 THE STATE OF TEXAS,  
*County of Harris:*

Before me, the undersigned authority on this day personally appeared John H. Kirby, known to me to be the person whose name is subscribed to the foregoing instrument as President of Kirby Lumber Company a corporation and known to me to be the President of said Kirby Lumber Company and acknowledged to me that he executed the same for the purposes and consideration therein expressed as the act and deed of said Kirby Lumber Company and in his capacity as President thereof.

Given under my hand and seal of office this 3rd day of July, A. D. 1909.

[L. s.]

W. L. COOK,

*Notary Public, Within and for the  
County of Harris, State of Texas.*

THE STATE OF TEXAS,  
*County of Harris:*

Before me, the undersigned authority on this day personally appeared W. N. Shaw, known to me to be the person whose name is



subscribed to the foregoing instrument as Secretary of Kirby Lumber Company, a corporation and known to me to be the Secretary of said Kirby Lumber Company, and acknowledged to me that he executed and attested the same for the purposes and consideration therein expressed as the act and deed of said Kirby Lumber Company and in his capacity as Secretary thereof.

Given under my hand and seal of office, this 3rd day of July, A. D. 1909.

[L. S.]

W. R. COOK,  
*Notary Public Within and for the County  
of Harris, State of Texas.*

Filed for record Aug. 6th, 1909, at 8 o'clock A. M.

W. J. GARRETT,  
*County Clerk.*

THE STATE OF TEXAS,  
*County of Harris:*

Know all men by these presents, that I, Jogn H. Kirby, of the County of Harris, State of Texas, for and in consideration of the sum of ten dollars (\$10.00) and other valuable considerations to me in hand this day paid by Kirby Lumber Company, a corporation duly incorporated under and by virtue of the laws of the State of Texas, with its principal office in the County of Harris, State of Texas, the receipt of which is hereby fully acknowledged, have granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said Kirby Lumber Company, all of the following described tracts, pieces and parcels of land and also certain timber rights which are hereinafter more particularly described; said lands and timber lying and being situated in the Counties of Hardin, Polk, Jasper, Liberty, Newton, Sabine, San Augustine, Shelby, Tyler and Panola, State of Texas, and being more particularly described as follows: An undivided 420 acres out of a 640 acre survey, being the E. B. Jackson survey in Hardin County.

An undivided 160 acres of land out of the James H. Richardson 1280 acre survey in Hardin County.

An undivided 221  $\frac{4}{10}$  acres of land out of the S. one half of the Clayton Harper League in Liberty County.

200 acres out of the B. Tarkington League in Liberty County.

An undivided 31  $\frac{1}{4}$  acres out of a 125 acres of the Thomas B. Huling League in Jasper County.

80 acres out of the H. R. Williams 662 acre survey in Jasper County.

252 acres the Hannah Morgan Survey in Jasper County.

All the pine timber ten inches in diameter and upwards at the stump situated on the W. H. Turner survey in Jasper County.

An undivided two thirds interest of a certain 245  $\frac{6}{100}$  out of Ed Goode League in Jasper County.

78 An undivided  $\frac{1}{2}$  of 200 acres out of the Lewis Litny League in Jasper County.

An undivided 30 acres out of the W. R. B. Hester 160 acre survey in Jasper County.

An undivided 34 acres out of the S. E.  $\frac{1}{4}$  of H. T. & T. C. Railway Co. Sec. No. 118 in Jasper Co.

320 acres, the William Grigsby survey in Jasper County.

All of the timber on 100 acres out of James H. Blount League in Jasper Co.

An undivided  $\frac{1}{2}$  of 100 acres of the William Walker 200 acre survey in Jasper County.

An undivided 77  $\frac{5}{10}$  acres out of a 154  $\frac{1}{2}$  acre survey out of the Nathaniel Grigsby 308  $\frac{1}{2}$  acre survey in Jasper County.

An undivided  $\frac{1}{2}$  of 609 acres out of B. F. James League in Jasper Co.

An undivided  $\frac{1}{2}$  of the Nicey Wright 160 acre survey in Jasper Co.

187 acres out of Alex Wright League in Jasper County.

All of Grantor's interest in the Matilda Rannels League in Newton County less 885 acres before sold by Grantor to J. P. Chapman.

79 880  $\frac{5}{10}$  acres out of A. M. Bevil League in Newton County.

An undivided 40 acres out of Sarah Anne Ramsey 160 acre survey in Newton County.

An undivided  $\frac{1}{2}$  of the Sarah Winfrey 792 acre survey in Newton Co.

An undivided 96 acre out of the North half of the Josiah Roberts Apper survey in Newton Co.

An undivided  $\frac{1}{2}$  of the E. P. Morris 640 acre survey in Newton County.

An undivided 160 acres out of the H. & T. C. Ry. Co., Section No. 234, situated on the line of the Counties of Jasper and Newton.

175 acres out of the James Herring 640 acre survey in Newton County.

An undivided  $\frac{1}{2}$  of 234 acres out of Landy Lindsey survey in Newton Co.

An undivided 67 acres out of the T. C. Hare 160 acre survey in Newton Co.

H. H. Loving 172 acre survey in Newton County, Texas.

An undivided  $\frac{1}{3}$  of those tracts of land out of the Adna S. Drodgy League in Newton County, as follows:

837 acres, 1,272 acres in two tracts as follows: 552 acres and 750 acres making the 3 tracts.

80 An undivided 484 acres out of Joseph McGa 1280 acre survey in Newton County.

50 acres of the John M. Jordon  $\frac{1}{3}$  League in Newton County.

122 acres out of the Martin Palmer and James McMahan surveys in Newton County.

An undivided 12  $\frac{5}{10}$  acres out of 50 acres out of Joseph McGuire 90 acre survey in Newton Co.

S. W. Collins 160 acre survey in Newton County.

40 acres out of H. T. & B. R. R. Co., survey No. 3 block 12 in Newton County.

395 acres out of Donald McDonald League in Sabine Co. except the townsite of Weed or Brookland.

50 acres of the Wright Cooley survey in Sabine County.

171 acres more or less of the Martin White League in Sabine Co., being composed of 2 tracts of 35 acres and 136 acres.

Those two tracts of land, being 66 acres of the J. A. Curry League and 140 acres of the Larkin Grace League in Sabine County.

An undivided 122 $\frac{3}{4}$  acres out of 982 acres out of John S. Lacey League in Sabine Co.

81 201 $\frac{1}{2}$  acres out of T. C. R. R. Co., Sec. No. 1 Abst. No. 371 in Sabine County.

62 $\frac{1}{2}$  acres of Francis Richards survey in Sabine County.

An undivided 40 acres of the G. W. McBroom 160 acres survey in San Augustine County.

230 acres of the Z. Turner survey on the line of San Augustine and Shelby Counties.

All the timber of ever-kind and description on 100 acres more or less of the William Isaac League in Sabine Co.

The W. H. Palmer 320 acre survey in Polk County.

An undivided 377 acre survey out of an 1,120 acre survey out of the C. C. Tyler 1,280 acre survey in Tyler County, Texas.

160 acres of the Buynnie Enloe survey in Tyler County.

128 $\frac{1}{2}$  acres of the E. Thompson survey in Tyler County.

52 acres the M. D. Nowlin survey in Tyler County.

80 acres patented to P. S. Watts assignee of Sarah Fields in Tyler Co.

10 $\frac{1}{2}$  acres more or less of J. S. Pate survey in Tyler County.

82 200 acres of William Wilburne League in Tyler County.

320 acres, David Barclay survey in Tyler County.

An undivided 235 acres out of 742 acres out of P. S. Watts survey in Tyler County.

T. M. Fann 160 acre survey in Tyler County.

M. Pivito 77 acre survey in Tyler County.

All interest in J. M. Taylor survey in Tyler County.

All interest in Harmon Frazier League in Tyler County.

A. J. Riley 160 acre survey in Tyler county.

332 4 10 acres of J. Mitchell survey in Tyler County.

An undivided 73 acres of Wiram Johnson survey in Tyler County.

690 acres of J. J. Pimberton League in Tyler County.

An undivided 23 55 100 acres of the Charles G. Bruce survey in Montgomery County.

35 acres more or less of T. F. Hull survey in Panola County.

83 In every instance in which an undivided acreage is conveyed by this deed out of any tract or survey out of which an undivided acreage was also conveyed by a certain deed, dated 29th day of June, 1909 from John H. Kirby to J. R. Chapman, which has not yet been recorded, said J. R. Chapman, his heirs or assigns shall be held to take under said deed referred to on acreage in any such

tract or survey to the extent of such acreage as specified in said deed prior to the rights of the grantor herein, its successors, or assigns, and in case it shall at any time in the future be ascertained that on the date of the execution of the said deed from John H. Kirby to J. R. Chapman, said John H. Kirby did not own the aggregate acreage out of any such tract or survey specified in said deed from John H. Kirby to J. R. Chapman and in this deed, then said J. R. Chapman his heirs or assigns shall be held and deemed to take in preference to any title or right conveyed by this deed to the extent of the whole of the acreage out of any such tract or survey specified in said deed from John H. Kirby to J. R. Chapman.

Reference is hereby made to all of the deeds patents and judgments hereinabove particularly enumerated and to the records thereof as above stated particular descriptions of the land and timber above conveyed and it is understood that all of said deeds, patents and judgments mentioned in the preceding description and the record thereof shall be considered referred to for such description as fully as if special reference had been made to such one.

In every instance where timber or timber rights are conveyed exclusive of the land upon which such timber is located it is understood and stipulated that the grantee herein above named accepts the title to said timber as timbers rights subject to all of the terms, conditions and limitations under which said title is held by the

84 grantor herein.

To have and to hold said lands, premises, timber and timber rights unto the said Kirby Lumber Company its successors and assigns forever, together with all and singular the rights and appurtenances thereto belonging or in anywise incident or appertaining, and I do hereby bind myself, my heirs, executors and administrators to warrant and forever defend all and singular the said property and premises unto the said Kirby Lumber Company, its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under me but no further.

Witness my hand at Houston, Texas on this the 2nd day of July A. D. 1909.

JOHN H. KIRBY.

THE STATE OF TEXAS,  
County of Harris:

Before me, the undersigned authority on this day personally appeared John H. Kirby, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 3rd day of July A. D. 1909.

[L. s.]

W. L. COOK,  
Notary Public in and for the County of  
Harris, State of Texas.

Filed for record July 29, 1909 at 4 o'clock P. M.

W. J. GARRETT, *Co. Clerk*,  
By EVIE MILL, *Deputy*.

85 THE STATE OF TEXAS,  
*County of Harris:*

Know all men by these Presents; That I, John H. Kirby, of the County of Harris, State of Texas for and in consideration of the sum of One Million and Twenty One Thousand Four Hundred and Fifty-three and ninety nine one hundredths (\$1,021,453.99) dollars in cash to me in hand this day paid by J. R. Chapman, the receipt of which is hereby fully acknowledged have granted, bargained, sold and conveyed, and by these presents do grant, bargain sell and convey unto the said J. R. Chapman of the County of Cook, State of Illinois, all of the following described tracts, pieces and parcels of land and also certain timber and timber rights which are hereinafter more particularly described; said lands and timber lying and being in the counties of Angelina, Hardin, Jasper, Liberty, Newton, Sabine, San Augustine, Shelby and Tyler State of Texas, and being more particularly described as follows:

Angelina County.

58 acres, E. M. Bacon Survey.  
1,280 acres out of James H. Richardson Survey.  
800 acres out of Jacob Beckman Survey.  
320 acres out of John A. Vickers League.  
276 $\frac{3}{4}$  acres out of Nancy Gowan League.  
342 acres, the John Gruidy Survey.  
200 acres undivided out of E. B. Jackson Survey.  
56  $\frac{3}{5}$  acres, the Henry G. King Survey.  
78  $\frac{6}{10}$  acres, the Henry G. King Survey.  
50  $\frac{29}{100}$  acres the Henry G. King Survey.  
111 $\frac{1}{4}$  acres, the Henry G. King Survey.  
377 acres, the Henry G. King Survey.  
136  $\frac{6}{10}$  acres, the Samuel Overstreet Survey.  
80 acres, the Henry G. King Survey.  
89  $\frac{3}{10}$  acres, the J. G. Williford Survey.  
30 acres undivided out of J. R. Davenport Survey.  
288  $\frac{47}{100}$  acres, the Henry G. King Survey.  
All timber on West half of H. & T. C. Ry. Co. Sec. No. 226.  
All timber on North West one quarter of H. & T. C. Ry. Co. Sec. No. 214.

Liberty and Hardin Counties.

All timber on 665 acres out of R. A. Irion League.

Angelina County.

All merchantable timber on R. F. Weichert 79  $\frac{8}{10}$  acre survey.  
All merchantable timber on R. F. Weichert 227  $\frac{5}{10}$  acre survey.

- 86 All timber on Washington County Ry. Co. Sec. No. 363.  
480 acres undivided out of H. & T. C. Ry. Co. Sec. No. 234  
on the line of Jasper and Newton Counties.

### Jasper County.

- 304½ acres undivided out of 609 acres out of B. F. Jones League.  
126 acres out of Joseph Kelly 280 acre Survey.  
160 acres out of Hezekiah R. Williams Survey.  
320 acres out Elijah Champeon 640 acre Survey.  
320 acres, the James Chessher Survey.  
280 acres, the Joseph W. Bass Survey.  
476 acres, the Robert M. Williamson Survey.  
480 acres, the T. & N. O. Ry. Co. Sec. No. 2.  
200 acres out of William Wilson Survey.  
All timber on south half of 160 acres Elmira Wright Survey.  
72 acres out of Joel Robinson Survey.  
160 acres, the William Bean Survey.  
140 acres out of Sherrod Wright League.  
160 acres, the Martin M. Jones Survey.  
160 acres, the William Singleton Survey.  
130 acres out of W. R. B. Hester Survey.  
60 acres, the L. S. Bell Survey.  
160 acres, the M. L. Morgan Survey.  
All timber on Sherod Wright 320 acre Survey.  
All timber on Alexander Wright Survey.  
All timber on Sherod Wright 86 3/10 acre Survey.  
1584 acres out of Joseph Lane League.  
438 acres and 15 acres out of Ruffin Turner League.  
88½ acres out of William Jones Labor.  
76 acres out of Alexander Wright 320 acre Survey.  
144 acres out of James Morgan 160 acre survey.  
180 acres out of Alexander Wright 320 acre survey.  
93 75/100 acres out of 125 acres out of Thomas B. Huling  
League.  
50 acres undivided out of 100 acres out of William Walker 200  
acre Sur.  
77 acres undivided out of 154½ acres out of Nathaniel Grigsby  
Survey.  
81 8/10 acres out of 245 6/10 acres out of Ed. Good League.  
41 acres, the K. B. Seale Survey.  
126 acres undivided out of S. E. Quarter of H. & T. C. Ry. Co.  
Sec. No. 118.  
100 acres, undivided half of 200 acres out of Lewis Letney Survey.  
50 acres out of Stephen Williams 320 acre survey.  
80 acres out of John Dubose Survey.

### Liberty County.

- All timber on 30 acres out of 50 acres out of Stephen Nichols  
League.  
500 acres out of John R. Faulk League.

4428 acres, the M. E. Pulido League.  
 1476 acres, the Caled Baker 1/3 League.  
 1106 1/10 acres out of South half of John Pleasants League, and  
 the property conveyed being only the timber and not the land.  
 South half of 699 acres, out of H. & T. C. Ry. Co. Sec. No. 156.  
 640 acres, the Washington County Ry. Co. Sec. No. 49.  
 2600 acres out of Manuel de las Santos Coy League.  
 55 acres out of M. A. Hardin Survey.

87

## Newton County.

357 acres out of the David Pool Survey.  
 71 acres out of the David McMahon Pre-emption less R. of Way  
 of O. & N. Ry.  
 300 acres of the John A. Smith Survey.  
 320 acres Soloman Ruyle Sur. less 17 6/10 acres R. of Way of  
 J. & E. Ry. Co.  
 69 acres out of David Odom Survey.  
 160 acres out of T. & N. O. Ry. Co. Sec. No. 68.  
 81 2/10 acres, the C. E. Cade Survey.  
 58 1/2 acres out of W. H. Smith Survey.  
 268 acres, the E. F. Montgomery Survey.  
 63 acres, the C. W. Smith Survey.  
 240 acres, the Hiram Woods Survey.  
 160 acres, the Nancy Cook Survey.  
 60 acres out of William McMahon Survey.  
 49 acres out of James Lewis Survey.  
 320 acres out of Josiah Stephenson Survey.  
 416 acres out of Henry Cochran League.  
 320 acres, the John L. Baker Survey.  
 885 acres out of Matilda Runnels or Reynolds Survey.  
 225 acres out of D. S. D. Moore League.  
 115 acres out of Peter D. Mayer survey.  
 783 acres out of Josiah Stephenson Survey.  
 320 acres, the J. W. Goode Survey.  
 120 acres undivided out of Sarah Ann Ramsey Survey.  
 396 acres out of Sarah Winfrey Survey.  
 120 acres out of J. S. Hamlett Survey.  
 110 acres out of Seaborn Samuel Survey.  
 150 acres out of William Newton Survey.  
 64 acres undivided out of Josiah Roberts Survey.  
 All timber on 542 1/2 acres, John A. McLahan Survey.  
 320 acres out of E. P. Morrison Survey.  
 South half and North East Quarter of S. P. Ry. Co. Sec. No. 6.  
 100 acres out of W. P. Tanner Survey.  
 80 acres, the T. F. Inman Survey less 7 acres O. & N. Ry. Co.  
 Right-of-way.  
 177 acres, the Jesse Dickerson Survey.  
 640 acres, the N. Recindy Survey.  
 82 1/4 acres, the Alva Jones Survey.  
 160 acres, the John Brooks Survey.  
 25 acres undivided out of Alva Jones 50 acre Survey.

- 39 acres undivided out of Alva Jones 78 acre survey.
- 29 5/10 acres out of Alva Jones 59 acre survey.
- All Pine and Cypress timber on 250 acres out of T. C. Holmes Survey.
- 135 acres out of John S. Thompkins 320 acre survey.
- 37 5/10 acres undivided out of Joseph McGuire 90 acre survey.
- 55 acres and 49 acres out of Thomas W. Thompkins 160 acre survey.
- East one-fourth of T. & N. O. Ry. Co. Sec. No. 68.
- 160 acres, the L. W. Jackson Survey.
- 47 acres out of Edward Smith Survey.
- 80 acres, the W. E. Smith Survey.
- 11 1/2 acres, the F. M. Miller Survey.
- 148 57/100 acres undivided out of Samuel Blackshear 160 acre survey.
- 100 acres out of Eliza Barnes 160 acre Survey.
- 160 acres, the J. M. Kimmey Survey.
- 117 4/100 acres undivided out of Landy Lindsey Survey.
- 88 150 acres out of John M. Jordan Survey.
- 395 acres out of John Miller League and Labor.
- 83 acres undivided out of T. C. Hare 160 acre Survey.
- 262 acres and 93 acres out of Samuel Williams Survey.
- 968 acres out of Joseph McGee Survey.
- 1406 acres undivided out of Adna S. Drodgy League.
- 27 acres out of Lewis Hines 160 acre survey.
- 208 acres and 70 5/10 acres out of A. M. Bevil League.

#### Sabine County.

- 200 acres out of A. E. C. Johnson League.
- 690 acres out of John S. Lane League, less 90 acres to be surveyed in a square on any one of the lines bounding said 690 acre tract.
- 540 acres and 333 1/3 acres out of R. Slaughter League, less 100 acres heretofore sold.
- 490 acres out of T. & N. O. Ry. Co. Sec. No. 18.
- 640 acres, T. & N. O. Ry. Co. Sec. No. 20.
- 160 acres, the J. S. Robbins Survey.
- 160 acres, the A. G. Broom Survey.
- 50 acres out of John Saddler Survey.
- 160 acres, the C. W. Easley Survey.
- 160 acres, the C. M. Easley Survey.
- 147 acres, the J. C. Boyd Survey.
- 1368 acres out of John Haley League.
- 160 acres the Martha C. Davidson Survey.
- 166 acres out of William Defee Survey.

#### San Augustine County.

- 877 acres out of A. G. Kellog survey, less 3 tracts of 100, 30, and 100 acres.
- 100 acres out of Francis Hill 640 acre survey.
- 160 acres, the J. W. Hight Survey.
- 160 acres, the C. C. Woods Survey.



160 acres, the Joseph McBroom Survey.  
 160 acres, the Milo Woods Survey.  
 80 acres, the Oliver Blount Survey.  
 80 acres undivided out of Robert Alexander survey.  
 164½ acres, parts of Hiram Davis and William Humphreys surveys.

160 acres, the B. F. Simms Survey.  
 80 acres, being north half of Jack Higginbotham 160 acre survey.  
 120 acres undivided out of G. W. McBroom 160 acre survey.  
 All those certain tracts of land situated in San Augustine and Shelby Counties patented to Charles G. Bruce and conveyed by J. R. Davenport to John H. Kirby by deed dated Dec. 16th, 1908. and duly recorded.

## Tyler County.

142 acres out of A. J. Boose Survey.  
 200 acres, the A. B. Jones Survey.  
 320 acres, the J. H. Moffitte survey.  
 153 acres, being south half of E. A. Ratcliff survey.  
 160 acres undivided out of 320 acres of William R. Ratcliff survey.  
 640 acres, Buffalo Bayou, Brazos & Colorado Co. Sec. No. 8.  
 160 —, the William Cranford Survey.  
 160 acres out of John T. Rawls 320 acre survey.  
 89 160 acres out of R. Wiggins League.  
 80 acres, the D. G. Mann Survey.  
 627 acres out of Josiah Wheat 9½ Labors.  
 226 acres out of A. G. Parker League.  
 71 7/10 acres, the P. H. Sparlock survey.  
 1476 acres out of David B. McComb Survey.  
 78 acres out of W. R. Lee Survey.  
 160 acres the William T. Anderson Survey.  
 226 acres, the Henry Cline Survey.  
 160 acres the W. M. Lowe Survey.  
 312 acres out of Robert Conn Survey.  
 303 acres out of Robert Conn Survey.  
 80 acres the W. G. Riley Survey.  
 95 acres out of W. H. Farrell Survey.  
 10 acres out of B. Morris 320 acre survey.  
 287 acres out of D. B. McComb 17½ Labors.  
 1280 acres, the Frederick Helfenstine Survey.  
 60 acres and 62 acres out of R. E. Powell Survey.  
 50 acres out of R. E. Powell Survey.  
 All timber on 160 acres, J. J. Riley Survey.  
 All timber on H. L. Hall Survey.  
 All timber on 120 acres, the Sarah E. Hudson Survey.  
 All timber on G. & B. N. Co. Sec. No. 57.  
 507 acres undivided out of 742 acres, Sarah Fields Survey.  
 743 acres out of C. C. Tyler Survey.  
 All Pine timber on 95 acres out of Burrell Blackman Survey.  
 100 acres out of William Pamhlin 20½ Labors.  
 200 acres out of Robert Lucas League.  
 37 acres out of Hiram Johnson Survey.

Reference is hereby made to all of the deeds, patents and judgments above particularly enumerated and to the records thereof as above stated for particular descriptions of the lands and timber above conveyed, and it is understood that all of said deeds, patents and judgments mentioned in the preceding descriptions and the records thereof, shall be considered referred to for particular descriptions as fully as if special reference had been made to each one.

In every instance when timber or timber rights are conveyed exclusive of the land upon which such timber is located, it is understood and stipulated that the Grantee accepts the title to said timber or timber rights subject to all the terms, conditions and limitations under which said title is held by the Grantor herein.

To have and to hold the above described and conveyed land and premises together *will* all and singular the rights and appurtenances thereto in any wise belonging unto the said J. R. Chapman,  
 90 his heirs and assigns forever; This deed is absolute and unconditional and without reservation of any title or lien whatever express or implied, and shall and does vest in the said J. R. Chapman, his heirs and assigns complete and perfect title to the lands herein conveyed; and I hereby covenant with the said J. R. Chapman, his heirs and assigns that no right, title, interest or lien, express or implied thereon or therein — owned, held or retained by me. And I do hereby bind myself, my heirs, executors and administrators to Warrant and forever defend all and singular the said premises unto the said J. R. Chapman, his heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand on this the 29th day of June, A. D. 1909.

JOHN H. KIRBY.

THE STATE OF TEXAS,

*County of Harris:*

Before me, the undersigned authority on this day personally appeared John H. Kirby, known to me too be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the 3rd day of July, A. D. 1909.

[L. s.]

W. C. COOK,

*Notary Public within and for the  
County of Harris, State of Texas.*

91 THE STATE OF TEXAS,

*County of San Augustine:*

I, W. J. Garrett, County Clerk of San Augustine County, Texas, do hereby certify that the above and foregoing and hereto attached three deeds, which are substantial copies of the originals, were sent to me for record by Mess. Terry, Cavin & Mills, attorneys at Galveston, Texas, and after being recorded by me, were by me returned to the said Mess. Terry, Cavin & Mills.

Witness my hand and the seal of the County Court of San Augustine County, Texas, on this the 7th day of December, A. D. 1909.

[SEAL.]

W. J. GARRETT,  
Co. Clk, San Augustine County, Texas.

Filed. Interstate Commerce Commission Docket No. 11, I. & S. Exhibit No. —. Witness, ——. Complainants, ——. Date, 1-31, '11. Defendants, ——. Steno., Philips.

92 In re Investigation and Suspension of Schedules Cancelling Through Rates with Certain Tap Line Connections—Chicago Hearing.

Exhibits I, II, and III, Introduced by Various Short-Line Railways at Chicago.

In re Investigation and Suspension of Schedules Cancelling Through Rates with Certain Tap Line Connections—Chicago Hearing.

Exhibits Introduced by Various Short-Line Railways at Chicago.

*Extract from Joint and Several Answers of Defendants, Kirby Lumber Company and John H. Kirby, to the Amended Bill of Complaint of Maryland Trust Company, Trustee, in Case of Maryland Trust Company, Trustee, vs. Kirby Lumber Company and Houston Oil Company of Texas, No. 54, in Equity, in the Circuit Court of the United States for the Southern District of Texas, at Houston. Filed March 25, A. D. 1905.*

EXHIBIT NO. I.

Thirteenth, fourteenth and fifteenth paragraphs of said answer signed Kirby Lumber Company by John H. Kirby, its President, and attested by Secretary of said Company with corporate seal attached and by John H. Kirby, as found on pages 103, 104 and 105 of said answer as follows:

"13th. Say that the lumber to be cut from the timber on the Kountze lands is tributary to the Gulf, Colorado & Santa Fe Railroad system, which in turn is owned by and is a part of the

93 Atchison, Topeka & Santa Fe Railroad system, operating nearly 10,000 miles of railway, extending from Chicago, Illinois, to San Francisco, Cal., with numerous branches in the State of Texas, Oklahoma, Kansas, Missouri, Illinois, Colorado, New Mexico, and Arizona, through which it runs, and that it has connections at El Paso, Texas, for points in Mexico, enabling defendant, Kirby Lumber Company, to reach all points on the line of the said Atchison system under the contract herein mentioned of said Kirby with said Atchison railroad company, at rates, or rather under conditions, that would give said Kirby Lumber Company an advantage of about \$1 per thousand feet of lumber over and above what its competitors, located on other lines of railway, could realize from shipments to

points reached by said Atchison railroad, and this for the reason that said Atchison & Santa Fe railroad, under said contract with said Kirby, of which said Kirby Lumber Company is a beneficiary, had canceled all through and joint rates on lumber with the connecting lines, thereby giving the lumber manufacturers, located along the lines of said Atchison railroad, an advantage in freight rates in reaching all points located on the line of the said Atchison railroad system.

"14th. Say that said Houston Oil Company of Texas already owned numerous bodies of land interspersed with said Kountze lands in such a way that it would, if such Kountze lands were not acquired, greatly increase the original cost as well as the expense of operating the tramroads required to log said Houston Oil Company's lands so interspersed, wherefore it was highly important, as an economic movement, that said Kountze lands be acquired, so much so that thereby an estimated difference in the profit to be realized by defendant, Kirby Lumber Company, amounting to at least \$2 or \$3 per thousand, would result; that the said Kountze lands were for sale by the owners at a rate of about \$2 per thousand feet for the yellow pine timber thereon, and some of said Kirby Lumber Company's competitors in the lumber business, as these defendants knew, were making efforts to acquire parts of said Kountze lands; that the arrangement herein stated between said Kirby and said Atchison, Topeka & Santa Fe Railroad, of which defendant, Kirby Lumber Company, is the beneficiary, is not and under the law could not be exclusively for its benefit, but would apply equally to all shippers along the lines of the Gulf, Colorado & Santa Fe Railway Company; that if said Houston Oil Company of Texas acquired said Kountze lands, then there would be no other large bodies of lands along the lines of said Atchison railroad, not owned by either said Houston Oil Company of Texas or said Kirby Lumber Company, to tempt competitors, wherefore such regulation by said Atchison railroad would practically result in said Kirby Lumber Company being the sole beneficiary thereof.

"15th. Say that said group of Kountze lands constituted such a large number of acres, and was so well distributed in reference to the other lands owned by said Houston Oil Company of Texas, that it formed with them large and compact bodies of timber  
94 land, conveniently located and easily and economically to be logged by said Kirby Lumber Company; that, containing so large a quantity of yellow pine timber, to-wit, about one billion feet, and being so located, they, said Kountze lands, could not be replaced by other acreage, even containing as great a quantity of timber, that would produce the same financial results to this defendant, Kirby Lumber Company; that if such lands were acquired by competing lumber manufacturers on the basis of \$2 per thousand for stumpage, while the defendant, Kirby Lumber Company, was paying \$5 to said defendant Houston Oil Company of Texas for similar stumpage, such competitors would enjoy all the advantage of aforesaid rate regulation so made by said Atchison system concerning shipment of lumber from the territory tributary to the Gulf, Colorado & Santa Fe Railroad, and the competition, so existing, would result in the

inability of said Kirby Lumber Company to manufacture lumber at a profit, so that it would lose the advantages named, not only as to logging of timber as aforesaid, but the result would so decrease its profits on the whole output of its lumber, that it would be impossible for it to make any money on the entire eight billion feet; that, put in other words, the result would make a difference altogether of a great deal more than \$1 per thousand, and which its estimate makes as high as even \$2 and \$3 per thousand; that, consequently, it would not be possible for it, said Kirby Lumber Company, to pay to said Houston Oil Company of Texas the prices mentioned in said timber contract, nor with said competition could it, in that event, pay per annum for the quantity of stumpage as provided in aforesaid timber contract of July 7, 1901, so that while it might be possible for said Houston Oil Company of Texas to replace the lands of Saunders, Campbell, Rice and Sternenberg with other properties containing an equal or greater quantity of stumpage and milling facilities of equal capacity, it was not possible to so replace the Kountze lands, and hence failure to acquire them would, as aforesaid, be disastrous in its final result; threatening the collapse of the properties of both the defendants, Kirby Lumber Company and Houston Oil Company of Texas, as the latter would be responsible on account of its breach in failing to acquire such lands to the former for its losses thence accruing.

"15th. Say that these facts, as well as other similar facts and statements, often repeated until June, 1902, were laid before said Calhoun and his associates, and as well before said Houston Oil Company of Texas and each of its board of directors as early as July, 1901, about which time the option of said Kirby to said lands had expired; that the question then arose and was under discussion of obtaining an additional option by said Houston Oil Company of Texas from said Kountze Brothers; that said Kirby, during all that time, again and again importuned said Houston Oil Company of Texas and each of its officers and directors, and especially said Calhoun, who then controlled the action of the board of directors of said Houston Oil Company of Texas as well as that of his associates, to take measures to secure and purchase all of said lands, and warned them and each and all of the disaster which threatened both said companies if said lands, especially said Kountze lands, were not acquired, giving the reasons as hereinbefore stated."

## EXHIBIT II.

Paragraph twenty-three of said answer as found on pages 110 and 111 thereof as follows:

"23rd. Say further, that these defendants, realizing that failure of said Houston Oil Company of Texas to purchase such lands and subject them to said stumpage contract would be disastrous to its manufacturing interests as aforesaid sought in every way they could to aid the Houston Oil Company of Texas in this crisis, and, relying implicitly on the representations of said Calhoun and said Houston Oil Company of Texas, that the latter would later take over said

lands and relieve defendant, Kirby Lumber Company, of the burden thereof and repay to these defendants their respective outlays in that behalf, with interest thereon, cast about to see what plan could be adopted for saving the situation and preventing said Kountze lands from falling into the hands of aforesaid competitors; that said Kirby sought his friend E. P. Ripley, president of said Atchison, Topeka & Santa Fe system, with the result that, after some weeks of negotiation, the board of directors of said system agreed to advance \$2,000,000 towards said purchase if, but only if, the title to such lands was conveyed to them for said \$2,000,000, the balance of the purchase money to be paid by these defendants, or one of them; that this negotiation culminated in the contract, known as the Gallup contract, under which said Atchison Railroad System, gave to said Kirby an option on such lands for a period of five years, requiring him, said Kirby, to pay the sum of about \$165,000, besides interest semi-annually at the rate of 5 per cent per annum on said sum of \$2,000,000, which said option said Kirby at once assigned to defendant, Kirby Lumber Company, whereupon it paid said sum of \$165,000 in cash and likewise has paid since three of said semi-annual installments of interest; that, as further consideration for said Gallup contract, defendant Kirby Lumber Company was required to enter into a contract to sell to said Atchison Railroad System 10,000,000 feet of lumber per year at low prices, to-wit, 20 per cent less than the market price thereof, and was also required to route over said railroad system all lumber manufactured by said Kirby Lumber Company at such of its mills as were located on the railroads of such system."

### EXHIBIT No. III.

Extract from the thirty-fifth paragraph of said answer beginning at the word "that" on the first line of page 409 and extending to the end of said paragraph as follows:

96 "That he, said Kirby, was also a co-partner in various land-holding and land-owning co-partnerships, and was also a large stockholder in various land-holding and land-owning corporations, and that said Kirby's distributive share in said land-holding co-partnerships and corporations was not less than 135,000 acres, making a total landed estate of more than 225,000 acres of lands, all of which were in the recognized oil belt of Southeast Texas, and had standing upon them more than 1,500,000,000 feet of yellow pine timber, as well as a large stumpage of other timber, being of the value of more than \$5,000,000, and that the total holdings of said Kirby individually, the co-partnerships of which he was a member and the corporations of which he was a stockholder and which he controlled, exceeded 535,000 acres, all of which, as aforesaid, are in the recognized oil belt of Southeast Texas, and have standing upon them more than 3,500,000,000 feet of yellow pine timber, and further that many of said Kirby's co-partners and co-stockholders, so associated with him in holding said lands other than his individual lands, were men of wealth and high financial standing, and

that said Kirby controlled the opportunity of gathering into one body, under one ownership, the yellow pine timber and oil lands of Southeast Texas and Southwestern Louisiana, and that the lands so owned by said Kirby, his co-partnerships and corporations were so located that they isolated and controlled large bodies of similar lands, and that Kirby's co-partners and co-stockholders would follow him into a movement to combine, under one management and ownership, the oil and timber lands of Southeast Texas and Southwest Louisiana, but would not join any such movement unless said Kirby did, and further that said Kirby, by just and honest dealings with the owners of lands in Southeast Texas and Southwest Louisiana, and with the people there residing generally, had inspired them with such confidence as to give him great influence over them, and that Kirby was a man of great business ability, having started in 1885 without any capital in money and having acquired his great landed estate in a period of sixteen years, during which time he had organized, constructed and financed the Gulf, Beaumont & Kansas City Railway Company, owning a railroad 75 miles in length, which opened up and developed said oil and timber lands, and had also sold the said railway for nearly \$2,000,000, at a great profit to himself, and further that said Kirby stood high in the estimation of the people of his State generally as a man of upright character, integrity and probity of dealing, and that the credit and financial standing of said Kirby in Texas and in Boston, Mass., was very high, and that said Kirby had under consideration the project of combining under one ownership all his own lands, all the lands of his said co-partnerships and corporations, as well as other lands in Southeastern Texas and Southwestern Louisiana, and in the said oil and timber territory belonging to other individuals, co-partnerships and corporations; having ascertained these facts, he, said Calhoun, conceived a scheme and plot to defraud said Kirby and his said co-partners and co-stockholders out of their said properties, and to himself gain possession of all or as much as was possible, so as to convert the same to the use of himself and his said co-conspirators, but under such circumstances and in such a manner as not to subject them or himself to criminal prosecution."

97 Filed as a part of the record herein, as per instruction of Examiner Burchmore at Chicago hearing.

H. M. GARWOOD,

*Attorney for Short Lines.*



98 *Statement of Number of Carloads Lumber Shipped to Santa Fe System Points During January and March, 1910, Showing Destination as to Competitive or Local Points, Originating at Kirby Lumber Company Mills on Santa Fe System in Texas.*

To—	January, 1910.		March, 1910.	
	Competitive.	Local.	Competitive.	Local.
Silsbee, Texas.....	27	15	22	22
Call Jct.        ".....	64	74	67	58
Roganville,     ".....	14	16	15	26
Fuqua            ".....	11	10	15	10
Bronson,        ".....	20	20	26	29
Bessmay,        ".....	56	69	76	75
Kirbyville,     ".....	67	56	72	75
Evadale,        ".....	13	13	11	15
Totals.....	272	273	304	310

*Recapitulation.*

	1910.	Competitive.	Local.
Jan'y .....		272	273
March .....		304	310
Totals.....		576	583
%.....		49.7	50.3

NOTE.—Beaumont and Brownel Mills not in operation at that time.



State.

71

		Shipments.			
		January, 1910.			
via.		T. & N. O.	30 Cars,	529,466 feet	118 Cars
Texas	"	O. & N. W.	88	1,530,455 "	2,059,921 ft.
Mexico	"	T. & N. O.	1	15,963 "	360,687 "
"	"	O. & N. W.	17	344,724 "	"
Louisiana	"	T. & N. O.	9	170,091 "	"
"	"	O. & N. W.	2	52,143 "	222,234 "
Illinois	"	O. & N. W.	3	62,553 "	"
"	"	T. & N. O.	3	62,575 "	125,128 "
Oklahoma	"	O. & N. W.	13	243,945 "	243,945 "
Indiana	"	O. & N. W.	1	17,568 "	17,568 "
Nebraska	"	O. & N. W.	3	54,016 "	54,016 "
Iowa	"	O. & N. W.	2	30,133 "	30,133 "
Missouri	"	O. & N. W.	3	48,456 "	48,456 "
Kansas	"	T. & N. O.	1	19,339 "	"
"	"	O. & N. W.	9	151,429 "	170,768 "
New York	"	O. & N. W.	1	15,540 "	15,540 "
Total Car Shipments.			186	3,348,396	"
Mexico	"	Water		345,201 feet	"
Export	"	"		728,795 "	"
					1,073,996 "

Interstate Commerce Commission Docket No. 11, I. & S. Exhibit No. 2. Witness, Farwell. Complainants, Date, 1, 31, '11. Defendants, ——. Steno., Philips. See p. 6831.

I. &amp; S. DOCKET NO. 11 (TAP-LINE CASE).

85

## The Lutcher &amp; Moore Lumber Co., Orange, Texas.

February, 1910.

State	via.	O. & N. W.	91 Cars	1,727,090 feet	120 Cars	2,287,678 ft.
Texas	"	T. & N. O.	22	447,109 "	"	"
"	"	G. C. & S. F.	7	113,479 "	"	"
Oklahoma	"	G. C. & S. F.	1	15,600 "	38	695,153 "
"	"	O. & N. W.	37	679,553 "	"	"
Illinois	"	O. & N. W.	6	113,114 "	6	113,114 "
Mexico	"	O. & N. W.	6	106,809 "	6	106,809 "
Louisiana	"	O. & N. W.	1	18,489 "	"	"
"	"	T. & N. O.	9	177,857 "	10	196,346 "
Pennsylvania	"	O. & N. W.	5	96,270 "	5	96,270 "
Kansas	"	G. C. & S. F.	2	38,211 "	"	"
"	"	O. & N. W.	11	207,751 "	13	245,962 "
Iowa	"	O. & N. W.	4	70,849 "	4	70,849 "
Missouri	"	O. & N. W.	6	114,929 "	6	114,929 "
Nebraska	"	O. & N. W.	1	17,700 "	1	17,700 "
Wisconsin	"	O. & N. W.	2	40,060 "	2	40,060 "
Michigan	"	O. & N. W.	2	40,202 "	2	40,202 "
New Jersey	"	O. & N. W.	1	15,108 "	1	15,108 "
Indiana	"	O. & N. W.	3	60,636 "	3	60,636 "
		Total Car Shipments.	217			4,100,816
Mexico	"	Water		353,061 feet		
Export	"	"		41,073 "		394,134 "
		Total Shipments February, 1910.				4,494,950 feet.

The Latcher & Moore Lumber Co., Orange, Texas.  
March, 1910.

State.

State.	via.	O. & N. W.	43 Cars	718,721 feet	93 Cars	1,599,179 ft.
Texas	"	G., C. & S. F.	26	449,144	"	"
"	"	T. & N. O.	24	431,314	"	"
Kansas	"	O. & N. W.	9	162,788	22	396,680
"	"	G., C. & S. F.	13	233,892	"	"
Oklahoma	"	O. & N. W.	14	257,121	36	660,534
"	"	G., C. & S. F.	22	403,413	"	"
Mexico	"	O. & N. W.	5	68,815	"	"
"	"	T. & N. O.	4	70,795	9	139,610
Missouri	"	O. & N. W.	5	84,517	7	118,267
"	"	G., C. & S. F.	2	33,750	"	"
Iowa	"	G., C. & S. F.	2	31,288	9	169,841
"	"	O. & N. W.	7	138,553	"	"
Indiana	"	O. & N. W.	1	16,750	2	32,659
"	"	G., C. & S. F.	1	15,909	"	"
Pennsylvania	"	O. & N. W.	6	93,960	6	93,960
Massachusetts	"	G., C. & S. F.	2	56,458	7	178,658
"	"	O. & N. W.	5	122,200	"	"
Louisiana	"	O. & N. W.	1	23,921	10	195,173
"	"	T. & N. O.	9	171,252	"	"
New York	"	T. & N. O.	1	27,209	1	27,209
Kentucky	"	O. & N. W.	2	40,252	2	40,252
Illinois	"	O. & N. W.	3	56,619	3	56,619
Colorado	"	O. & N. W.	1	20,246	2	40,444
"	"	G., C. & S. F.	1	20,198	"	"

Total Car Shipments

209

3,749,085 feet.

87

Texas	Water	18,121
Export	"	430,449
Mexico	"	667,011
Coastwise	"	1,775,039
		<hr/>
Total Shipments, March, 1910		2,890,620 "
		<hr/>
		6,639,705 feet.

102

## The Lutcher &amp; Moore Lumber Co., Orange, Texas.

April, 1910.

State.	via.	O. & N. W.	26 Cars	460,366 feet	92 Cars	1,673,553 ft.
Texas	"	T. & N. O.	25	480,211		
"	"	G. C. & S. F.	41	732,976		
Oklahoma	"	G. C. & S. F.	5	87,534	23	426,703 "
"	"	O. & N. W.	18	339,169		
Kansas	"	O. & N. W.	14	246,033	39	694,718 "
"	"	G. C. & S. F.	25	448,685		
Louisiana	"	O. & N. W.		37,194	12	206,687 "
"	"	T. & N. O.	10	169,493		
Missouri	"	O. & N. W.	3	63,256	9	168,038 "
"	"	G. C. & S. F.	6	104,782		
Illinois	"	G. C. & S. F.	1	17,006	2	34,012 "
"	"	O. & N. W.	1	17,006	3	50,418 "
Pennsylvania	"	O. & N. W.	3	50,418	2	31,625 "
Mexico	"	O. & N. W.	2	31,625	4	65,954 "
New Jersey	"	O. & N. W.	4	65,954	3	81,677 "
New York	"	T. & N. O.	3	81,677		

New Mexico	"	.....	O. & N. W.	1	"	19,470	1	19,470	"
Kentucky	"	.....	O. & N. W.	1	"	20,124	1	20,124	"
Iowa	"	.....	O. & N. W.	3	"	68,762	4	88,782	"
"	"	.....	G. C. & S. F.	1	"	20,020			
Virginia	"	.....	O. & N. W.	1	"	16,215	2	29,804	"
"	"	.....	G. C. & S. F.	1	"	13,589			
Tennessee	"	.....	O. & N. W.	1	"	31,168	1	31,168	"
Total Car Shipments.....							198	3,622,733	

Texas	"	.....	Water	41,400					
Mexico	"	.....	"	459,834					
Coastwise	"	.....	"	303,655					
Export	"	.....	"	816,409				1,621,298	"

Total Shipments April, 1910..... 5,244,031 feet.

## The Lutcher &amp; Moore Lumber Co., Orange, Texas.

103

State.

May, 1910.

via.	O. & N. W.	50 Cars	863,729 feet	130 Cars	2,352,687 ft.
Texas	T. & N. O.	26	499,116		
"	G. C. & S. F.	54	989,842		
Kansas	G. C. & S. F.	26	506,719	37	717,539
"	O. & N. W.	11	210,820		
Oklahoma	O. & N. W.	31	558,520	53	968,476
"	G. C. & S. F.	22	409,956		
Louisiana	T. & N. O.	8	155,430	12	233,449
"	O. & N. W.	4	78,019		
Tennessee	O. & N. W.	5	130,196	5	130,196
Iowa	O. & N. W.	1	14,002	1	14,002
New York	O. & N. W.	1	23,514	1	23,514
Pennsylvania	O. & N. W.	1	15,392	1	15,392
Illinois	G. C. & S. F.	2	46,000	7	160,999
"	O. & N. W.	5	114,999		
Kentucky	O. & N. W.	1	20,124	1	20,124
Missouri	G. C. & S. F.	6	118,013	16	309,879
"	O. & N. W.	10	191,866	4	61,297
Mexico	O. & N. W.	4	61,297	1	16,777
Virginia	T. & N. O.	1	16,777		
	Total Car Shipments.	269			5,024,331
Mexico	Water		473,478		
Export	"		722,966		
	Total Shipments May, 1910.				2,196,444
					7,220,775 feet.

## State.

June, 1910.

via.	O. & N. W.	39 Cars	705,923 feet	102 Cars	1,909,292 ft.
Texas	T. & N. O.	13	261,198		
"	G. & S. F.	50	942,171		
Oklahoma	O. & N. W.	32	594,893	41	763,743
"	G. & S. F.	9	168,850		
Kansas	O. & N. W.	3	64,254	16	309,815
"	G. & S. F.	13	245,561		
Missouri	O. & N. W.	6	107,248	16	293,752
"	G. & S. F.	10	186,504		
Louisiana	T. & N. O.	9	159,224	12	227,329
"	O. & N. W.	3	68,105		
Illinois	G. & S. F.	4	73,479	10	205,066
"	O. & N. W.	6	131,587		
Massachusetts	T. & N. O.	2	40,220	2	40,220
Kentucky	G. & S. F.	2	40,250	2	40,250
Tennessee	O. & N. W.	2	48,278	2	48,278
Michigan	G. & S. F.	1	27,751	1	27,751
Wisconsin	G. & S. F.	1	23,833	1	23,833
Ohio	O. & N. W.	1	18,128	1	18,128
Iowa	O. & N. W.	1	15,800	1	15,800
Nebraska	G. & S. F.	3	58,993	3	58,993
Mexico	G. & S. F.	2	35,120		
"	O. & N. W.	3	62,233		
"	T. & N. O.	1	13,284	6	110,637
Total Car Shipments.....				216	4,092,887

I. &amp; S. DOCKET NO. 11 (TAP-LINE CASE).

91

Mexico	.....Water	687,896	1,809,229	"
Export	....."	284,156		
Coastwise	....."	837,177		
			<u>5,902,116</u>	feet.
		Total Shipments June, 1910.....		

105

## The Lutcher &amp; Moore Lumber Co., Orange, Texas.

July, 1910.

State.	via.....	O. & N. W.	32	Cars	80	Cars	1,505,991	ft.
Texas	"	.....T. & N. O.	21	"				
"	"	.....G. C. & S. F.	27	"				
Oklahoma	"	.....O. & N. W.	15	"	16	"	299,894	"
Missouri	"	.....G. C. & S. F.	1	"				
"	"	.....O. & N. W.	9	"				
Kansas	"	.....G. C. & S. F.	16	"	25	"	497,421	"
"	"	.....O. & N. W.	8	"				
Louisiana	"	.....G. C. & S. F.	18	"	26	"	477,785	"
"	"	.....O. & N. W.	6	"				
Virginia	"	.....T. & N. O.	33	"	39	"	731,452	"
Illinois	"	.....T. & N. O.	1	"	1	"	17,198	"
"	"	.....O. & N. W.	5	"				
Iowa	"	.....G. C. & S. F.	5	"	10	"	148,010	"
"	"	.....O. & N. W.	3	"				
Kentucky	"	.....G. C. & S. F.	1	"	4	"	76,546	"
"	"	.....G. C. & S. F.	1	"	1	"	20,126	"



Mexico	"	O. & N. W.	1	"	20,755	3	"	63,271	"
"	"	T. & N. O.	1	"	24,080				
"	"	G. C. & S. F.	1	"	18,436				
Massachusetts	"	T. & N. O.	1	"	16,890	1	"	16,890	"
Total Car Shipments						206	"	3,854,584	feet.
Mexico	"	Water			101,431				
Coastwise	"	"			1,108,775				
Export	"	"			707,199			1,917,405	"
Total Shipments July, 1910								5,771,989	feet.

106

## The Lutchter &amp; Moore Lumber Co., Orange, Texas.

August, 1910.

State.

State.	via.	O. & N. W.	24 Cars	479,679	62 Cars	1,148,865 ft.
Texas	"	T. & N. O.	16 "	291,459		
"	"	G. C. & S. F.	22 "	377,727		
Louisiana	"	T. & N. O.	15 "	276,164	16 "	300,966 "
"	"	O. & N. W.	1 "	24,802		
Kansas	"	O. & N. W.	5 "	101,382	15 "	286,008 "
"	"	G. C. & S. F.	10 "	184,626		
Oklahoma	"	G. C. & S. F.	1 "	12,008	7 "	128,590 "
"	"	O. & N. W.	6 "	116,582		
Missouri	"	G. C. & S. F.	9 "	194,859	14 "	281,508 "
"	"	O. & N. W.	5 "	86,649		
New York	"	O. & N. W.	1 "	22,412	1 "	22,412 "
Iowa	"	O. & N. W.	2 "	36,852	2 "	36,852 "
Kentucky	"	O. & N. W.	3 "	58,124	3 "	58,124 "
Illinois	"	G. C. & S. F.	1 "	21,968	1 "	21,968 "
Virginia	"	T. & N. O.	1 "	11,251	1 "	11,251 "
Michigan	"	O. & N. W.	2 "	52,014	2 "	52,014 "
Mexico	"	O. & N. W.	3 "	47,621	3 "	47,621 "
		Total Car Shipments.....	127			2,396,179 "
Mexico	"	Water		206,032		
Conswise	"	Water		1,299,559		1,505,591 "
		Total Shipments August, 1910.....				3,901,770 feet.

September, 1910.

via.	O. & N. W.	37 Cars	658,334 feet	68 Cars	1,219,737 ft.
Texas	G., C. & S. F.	24	431,862	"	"
"	T. & N. O.	7	129,541	"	"
"	O. & N. W.	2	36,044	"	36,044
Oklahoma	G., C. & S. F.	2	40,151	"	40,151
Ohio	G., C. & S. F.	1	24,871	"	24,871
Kansas	G., C. & S. F.	3	58,281	"	302,972
Louisiana	O. & N. W.	13	244,691	"	"
"	T. & N. O.	4	63,863	"	113,154
Mexico	O. & N. W.	1	25,876	"	"
"	T. & N. O.	1	23,415	"	"
Missouri	G., C. & S. F.	2	36,815	"	86,447
"	O. & N. W.	3	49,632	"	37,999
Kentucky	G., C. & S. F.	2	37,999	"	18,832
New Jersey	O. & N. W.	1	18,832	"	132,823
Michigan	T. & N. O.	3	63,970	"	"
"	O. & N. W.	3	68,853	"	56,759
Iowa	G., C. & S. F.	1	23,919	"	46,000
"	O. & N. W.	2	32,840	"	15,200
Illinois	O. & N. W.	1	46,000	"	"
Colorado	O. & N. W.	1	15,200	"	"
	G., C. & S. F.	114		"	2,130,989
Total Car Shipments.					
Texas	Water		72,790		
Mexico	Water		169,000		
Export	Water		296,434		
Coastwise	Water		591,062		
Total Shipments September, 1910.					3,260,275 feet.

## The Lutcher &amp; Moore Lumber Co., Orange, Texas.

96

## HEARINGS BEFORE INTERSTATE COMMERCE COMM'N,

October, 1910.

State.

via.	O. & N. W.	11 Cars	191,861 feet	70 Cars	1,242,978 ft.
Texas	.....	11	191,861		
"	.....	12	217,879		
"	.....	47	833,238		
Louisiana	.....	2	32,188	9	165,759
"	.....	7	133,571	3	69,000
Illinois	.....	2	46,000		
"	.....	1	23,000		
Missouri	.....	1	15,000	10	171,611
"	.....	9	156,611	1	15,734
Colorado	.....	1	15,734	1	10,213
Virginia	.....	1	10,213	2	30,440
Kansas	.....	1	14,700		
"	.....	1	15,740		
Iowa	.....	1	20,852	2	38,858
"	.....	1	18,006	2	40,248
Kentucky	.....	2	40,248	2	39,932
New York	.....	2	39,932	1	15,136
Mexico	.....	1	15,136		
				103	1,839,909
	Total Car Shipments.....				
Mexico	Water .....		811,162		
Export	" .....		602,253		
					1,413,415
	Total Shipments October, 1910 .....				3,253,324 feet.

State.

November, 1910.

via.	G., C. & S. F.	76 Cars	1,369,183 feet	103 Cars	1,860,870 ft.
Texas	T. & N. O.	22	415,357		
"	O. & N. W.	5	76,330		
Oklahoma	O. & N. W.	4	72,851	10	187,240
"	G., C. & S. F.	6	114,389		
Missouri	T. & N. O.	1	19,950	11	188,477
"	G., C. & S. F.	10	168,527	8	162,337
Louisiana	T. & N. O.	8	162,337		
Kansas	O. & N. W.	1	19,555	19	352,323
"	G., C. & S. F.	18	332,768		
Iowa	G., C. & S. F.	2	40,745	2	40,745
Colorado	O. & N. W.	1	20,707	1	20,707
Illinois	G., C. & S. F.	1	19,479	1	19,479
Canada	T. & N. O.	1	12,320	1	12,320
	Total Car Shipments	156			2,844,498
Mexico	Water		350,592		
Coastwise	"		731,718		
	Total Shipments November, 1910				1,082,310
					3,926,808 feet.

110

## The Lutcher &amp; Moore Lumber Co., Orange, Texas.

State.	December, 1910.			
	via.....	O. & N. W.....	1 Car	8,680 feet
Texas	"	"	35	641,728
"	"	"	100	1,808,376
Missouri	"	"	5	88,409
"	"	"	3	52,649
Kansas	"	"	2	34,938
"	"	"	13	232,748
Oklahoma	"	"	4	70,582
"	"	"	8	146,613
Louisiana	"	"	22	415,788
Iowa	"	"	8	151,574
Illinois	"	"	3	51,522
Canada	"	"	1	19,279
Mexico	"	"	1	15,792
			<u>206</u>	<u>3,738,678</u>
Mexico	"	Total Car Shipments.....		583,236
	"	Water .....		<u>4,321,914 feet.</u>

## Recapitulation, Year 1910.

State.	via.....	G., C. & S. F.....	474 Cars	8,554,733 feet	1,174 Cars	21,319,535 ft.
Texas	"	"	447	"	"	"
"	"	"	253	"	"	"
Illinois	"	"	19	"	"	"
"	"	"	32	"	54	1,050,917
"	"	"	3	"	"	"
Missouri	"	"	4	"	"	"
"	"	"	50	"	130	2,419,843
"	"	"	76	"	"	"
Kansas	"	"	140	"	"	"
"	"	"	74	"	215	3,974,595
"	"	"	1	"	"	"
Mexico	"	"	4	"	59	1,065,639
"	"	"	9	"	"	"
Oklahoma	"	"	46	"	"	"
"	"	"	75	"	251	4,627,517
Nebraska	"	"	176	"	"	"
"	"	"	4	"	7	130,709
New Mexico	"	"	3	"	1	19,470
Iowa	"	"	1	"	"	"
"	"	"	25	"	41	790,741
Louisiana	"	"	16	"	"	"
"	"	"	152	"	177	3,360,492
"	"	"	25	"	"	"
Indiana	"	"	1	"	6	110,863
"	"	"	5	"	"	"

Ohio	"	.....G., C. & S. F.....	2	"	40,151}	3	"	58,279	"
"	"	.....O. & N. W.....	1	"	18,128}				
New York	"	.....O. & N. W.....	2	"	37,952}	8	"	186,770	"
Pennsylvania	"	.....T. & N. O.....	6	"	148,818}	15	"	256,040	"
Canada	"	.....O. & N. W.....	15	"	256,040}	2	"	31,599	"
Kentucky	"	.....T. & N. O.....	2	"	31,599}				
"	"	.....O. & N. W.....	9	"	176,623}	14	"	277,247	"
"	"	.....G., C. & S. F.....	5	"	100,624}				
Tennessee	"	.....O. & N. W.....	8	"	209,642}	8	"	209,642	"
Carried Forward		.....					2,165 Cars	39,889,898	ft.

112

The Lutcher &amp; Moore Lumber Co., Orange, Texas.

## Recapitulation—Continued.

Brought Forward..... 2,165 Cars 39,889,898 ft.

State.									
Colorado	via	.....O. & N. W.....	2	Cars	40,953 feet}	5	Cars	92,085	ft.
"	"	.....G., C. & S. F.....	3	"	51,132}				
Wisconsin	"	.....O. & N. W.....	2	"	40,060}	3	"	63,893	"
"	"	.....G., C. & S. F.....	1	"	23,833}				
Virginia	"	.....T. & N. O.....	4	"	55,439}	6	"	85,243	"
"	"	.....O. & N. W.....	1	"	16,215}				
"	"	.....G., C. & S. F.....	1	"	13,589}				
Michigan	"	.....O. & N. W.....	7	"	156,186}	11	"	252,790	"
"	"	.....G., C. & S. F.....	4	"	96,604}				
New Jersey	"	.....O. & N. W.....	6	"	104,576}	7	"	123,408	"
"	"	.....T. & N. O.....	1	"	18,832}				



Massachusetts	"	T. & N. O.	3	57,110	10	"	235,768	"
"	"	O. & S. W.	5	122,200				
"	"	G. & S. F.	2	56,458				
Export	"	Water		5,629,734	2,207	"	40,743,085	"
Coastwise	"	"		6,646,985				
Mexico	"	"		5,207,934				
Texas	"	"		132,311				
							17,616,964	"
							58,360,449	feet.

Total Shipments Year 1910.....

Car Shipments Year 1910.

via.....	O. & N. W.....	943	Cars.....	17,399,711	ft.
"	T. & N. O.....	438	"	8,219,109	"
"	G. C. & S. F.....	826	"	15,124,265	"
			2,207	Cars	40,743,085
					"

THE LUTCHER AND MOORE LBR. CO.,  
Orange, Texas.

113

*Stockholders.**Louisiana & Pacific Railway Company.*

Capital Stock..... \$51,000.00

R. A. Long.  
 C. B. Sweet.  
 F. J. Bannister.  
 Ella M. Long.  
 Jennie L. Sweet.  
 Edith M. Bannister.

*Louisiana & Pacific.*

Interstate Commerce Commission Docket No. 11, I. & S. Exhibit  
 No. 2. Witness, McLean. Complainants, ——. Date, 12, 13, '10.  
 Defendants, ——. Steno., Philips.

See p. 1554.

114 *List of Stockholders of the King-Ryder Lumber Company.*

Name.	Jan. 1, 1910.	Dec. 1, 1910.
Bannister, F. J.....	100.00	100.00
Foresman, J. H.....	800.00	800.00
Long, R. A.....	91,000.00	91,000.00
Prickett, W. L.....	100.00	100.00
Pontious, J. G.....	1,000.00	1,000.00
Ryder, W. F.....	8,000.00	8,000.00
Sweet, C. B.....	1,000.00	1,000.00
Smith, B. H.....	10,000.00	10,000.00
Wilson, Mrs. R. D.....	1,500.00	1,500.00
Wilson, Mrs. R. D., Guardian....	1,500.00	1,500.00
	<hr/> \$115,000.00	<hr/> \$115,000.00

115 *List of Stockholders of the Hudson River Lumber Company.*

Name.	Jan. 1, 1910.	Dec. 1, 1910.
Bannister, F. J.....	125.00	125.00
Clapp, F. A.....	2,940.00	2,940.00
Congdon, L. C.....	1,470.00	1,470.00
Long, R. A.....	129,940.00	129,940.00
Moore, C. E.....	200.00	200.00
Paxson, C. A.....	4,410.00	4,410.00
Sweet, C. B.....	1,500.00	1,500.00
Sweet, A. L.....	3,000.00	3,000.00
Sweet, H. E.....	6,415.00	6,415.00
	<hr/> \$150,000.00	<hr/> \$150,000.00

116 *List of Stockholders of the Longville Lumber Company.*

Name.	Jan. 1, 1910.	Dec. 1, 1910.
Bannister, F. J.....	15,000.00	10,000.00
Blackwell, H. L.....	1,000.00	1,000.00
Bolton, J. W.....	5,000.00	5,000.00
Brake, V.....	1,000.00	1,000.00
Cates, E. G.....	.....	1,000.00
Cowley, Clare J.....	500.00	500.00
Cowley, Mrs. Flo. J.....	1,000.00	1,000.00
Covey, L. M.....	1,000.00	1,000.00
Deal, J. W.....	1,000.00	1,000.00
Derks, J. H.....	2,000.00	3,000.00
Ellis, Sallie A.....	500.00	500.00
Eavans, R. L.....	1,000.00	1,000.00
Evans, J. F.....	500.00	500.00
Gloeckler, Mrs. R. A.....	2,500.00	2,500.00
Huffman, C. A.....	1,000.00	1,000.00
Long, R. A.....	491,200.00	488,200.00
Long, Mrs. R. A.....	1,200.00	1,200.00
Long, Loula.....	1,000.00	1,000.00
Martin, F. E.....	1,000.00	1,000.00
McNair, W. E.....	4,000.00	4,000.00
Neely, J. M.....	500.00	500.00
O'Halloran, G. W.....	1,000.00	1,000.00
Prickett, W. L.....	10,000.00	10,000.00
Ryder, W. F.....	10,000.00	10,000.00
Ryder, L. L.....	2,000.00	2,000.00
Ridgeway, Mollie E.....	1,300.00	1,300.00
Pontious, J. G.....	.....	1,000.00
Poyntz, J. U.....	.....	2,000.00
Roehl, H. T.....	.....	1,000.00
Sweet, C. B.....	13,000.00	11,000.00
Sweet, H. E.....	3,000.00	0,000.00
Scott, C. T.....	500.00	500.00
Smith, B. H.....	10,000.00	15,000.00
Swank, R. W.....	3,000.00	3,000.00
Stack, R.....	5,500.00	5,500.00
Scovern, C. E.....	1,500.00	1,500.00
Switzer, O. L.....	1,000.00	1,000.00
Stack, R. S.....	300.00	300.00
Sowards, J. M.....	.....	2,000.00
Taylor, L. W.....	1,000.00	1,000.00
Tucker, C. J.....	1,000.00	1,000.00
Wilson, Mrs. R. D.....	4,000.00	4,000.00
	<hr/> \$600,000.00	<hr/> \$600,000.00

117 *List of Stockholders of the Calcasieu Long Leaf Lumber Company.*

Name.	Jan. 1, 1910.	Dec. 1, 1910.
Ashby, D. C.....	1,000.00	0,000.00
Bannister, Ida M.....	.....	500.00
Bannister, F. J.....	10,000.00	10,500.00
Bale, H.....	1,000.00	1,000.00
Bester, J. H.....	3,000.00	3,000.00
Baxter, L. C.....	1,000.00	1,000.00
Boswell, C. M.....	2,000.00	2,000.00
Brake, V.....	2,000.00	2,000.00
Burnaby, F. H.....	1,000.00	0,000.00
Brown, E. W.....	1,000.00	1,000.00
Brannin, Chester.....	1,000.00	1,000.00
Carson, O. F., Jr.....	800.00	800.00
Carson, John.....	1,300.00	1,300.00
Clasp, F. A.....	5,000.00	5,000.00
Coleman, T. A.....	2,000.00	0,000.00
Congdon, L. C.....	2,000.00	2,000.00
Cowley, Clare J.....	500.00	500.00
Cowley, Mrs. Flo. J.....	1,000.00	1,000.00
Davis, R. S.....	3,000.00	3,000.00
Davis, Jessie B.....	300.00	300.00
Ellis, Sallie A.....	1,000.00	1,000.00
Elliott, E. K.....	500.00	500.00
Fegtly, A. W.....	500.00	500.00
Foresman, J. H.....	5,000.00	5,000.00
Foresman, J. A.....	2,000.00	2,000.00
Garvey, J. W.....	5,000.00	5,000.00
Garten, A. L.....	1,000.00	1,000.00
Gittings, G. W.....	1,000.00	1,000.00
Gordon, E. F.....	1,700.00	1,700.00
Graye, J. A.....	2,800.00	2,800.00
Garrett, J. W.....	500.00	500.00
Hammer, A. A.....	10,000.00	10,000.00
Hays, G. S.....	1,000.00	1,000.00
Hackett, Mrs. E. S.....	500.00	500.00
Hoyt, R. E.....	1,000.00	1,000.00
Jemison, R.....	1,000.00	1,000.00
Kerr, W. N.....	2,000.00	2,000.00
Kenneson, C. D.....	500.00	500.00
Long, R. A.....	993,900.00	993,900.00
Long, Mrs. R. A.....	1,700.00	1,700.00
Lester, R. T.....	1,000.00	1,000.00
Lewis, P. P.....	2,000.00	2,000.00
Martin, F. E.....	500.00	500.00
Mason, F. E.....	3,000.00	3,000.00
Morris, S. M.....	2,000.00	2,000.00
Morey, G. A.....	2,000.00	2,000.00

Name.	Jan. 1, 1910.	Dec. 1, 1910.
Masters, J. L.....	500.00	500.00
Martin, J. W.....	8,000.00	8,000.00
McCord, E. E.....	500.00	000.00
Morse, R. F.....	1,000.00	1,000.00
Magness, J. M.....	1,000.00	1,000.00
Moore, N. A.....	1,000.00	1,000.00
Moore, S. J.....	1,000.00	1,000.00
Nelson, M. B.....	3,000.00	3,000.00
Nichols, J. M.....	2,000.00	2,000.00
118 Paxson, C. A.....	2,000.00	2,000.00
Peters, Wm.....	3,000.00	3,000.00
Prickett, W. L.....	2,000.00	2,000.00
Ruth, A. C.....	1,000.00	1,000.00
Ryder, W. F.....	5,000.00	5,000.00
Ryder, L. L.....	3,000.00	3,000.00
Ryder, C. E.....	1,000.00	1,000.00
Roth, R. R.....	500.00	500.00
Rickey, P. C.....	3,000.00	3,000.00
Ragland, J. M.....	2,000.00	3,000.00
Read, Robbie.....	2,000.00	2,000.00
Sweet, C. B.....	20,000.00	20,000.00
Sweet, A. L.....	3,000.00	3,000.00
Sweet, H. E.....	8,000.00	8,000.00
Scott, C. T.....	1,000.00	1,000.00
Smith, B. H.....	8,000.00	8,000.00
Smith, H. L.....	500.00	500.00
Swank, R. W.....	3,500.00	3,500.00
Slagle, J. S.....	500.00	000.00
Stack, R.....		2,000.00
Tucker, C. J.....	3,500.00	3,500.00
Talcott, C. A.....	2,000.00	2,000.00
Tennant, Jno. D.....	2,000.00	2,000.00
Uncapher, H. E.....	500.00	500.00
Vandercook, W.....	1,000.00	1,000.00
Woodring, S. T.....	20,000.00	21,000.00
Wilson, Mrs. R. D.....	2,000.00	2,000.00
	<hr/>	<hr/>
	\$1,200,000.00	\$1,200,000.00